

REMARKS

I. Introduction

Claims 1-10 are pending in the present application after addition of claims 7-10. Claims 1, 5 and 6 have been amended. Claims 1-6 stand rejected as being anticipated. Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the above amendments and the following remarks.

II. Claims 1-6 are not anticipated by Palalau et al.

Claims 1-6 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,373,472 ("Palalau"). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

To anticipate a claim under § 102, a single prior art reference must identically disclose each and every claim element. See Lindeman Maschinenfabrik v. American Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984). If any claimed element is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997). Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claim invention, arranged as in the claim. Lindeman, 703 F.2d 1458 (Emphasis added).

Claim 1, as amended, recites "making available a predetermined number of operator controls assigned to respective operating functions of a first device type; assigning respective operating functions of each further type of device to the operator controls; and ***selecting a device type to be controlled by the operator controls among various device types, the operating functions of the operator controls being changed corresponding to the selection.***" Claim 5, as amended, recites "a switching device for switching application of the control system among various device types to be controlled, wherein ***operating functions of the***

plurality of operator controls are changed corresponding to a selected device type to be controlled. Support for the amendments to claims 1 and 5 is found throughout the Specification, and at least on page 4, lines 7-19. As recited in claims 1 and 5, the present inventions provides a control system of a plurality of operator control elements that may be applied to many different device types to be controlled, i.e., the same operator control elements perform a completely different set of functions depending on the type of device that has been selected for control.

While the Examiner cites column 3, lines 44-59 of Palalau for disclosing "the operating functions (28a-28f) of the operator controls being changed corresponding to the assignment," neither this section nor any other section of Palalau teaches "***selecting a device type to be controlled by the operator controls among various device types, the operating functions of the operator controls being changed corresponding to the selection,***" as recited in claim 1, or "a switching device for switching application of the control system among various device types to be controlled, wherein ***operating functions of the plurality of operator controls are changed corresponding to a selected device type to be controlled,***" as recited in claim 5. While column 3, lines 48-55 of Palalau indicate that the "functions of each of the feature group switches 28 . . . change to be personalized for each operator and change as appropriate based upon the user's previous selections . . . [, e.g.,] upon activating the hard audio group switch 28a in Fig. 2a, hard switch 28a is subsequently reconfigured to activate the volume feature," it is quite clear that switch 28a is limited solely to audio control, notwithstanding the statement that the switch may be personalized for each operator. Furthermore, while the Examiner cites element 34 shown in Fig. 2a of Palalau for somehow disclosing "switching" of the device, Palalau clearly indicates that element 34 is a ***display*** for the current function of the switches 28. (Palalau, col. 3, l. 44-48).

In view of the above discussion, Applicants respectfully submit that

Palalau does not anticipate claim 1 and claim 5. Claims 2-4 depend from claim 1, so the above argument regarding claim 1 applies equally to claims 2-4, and Palalau also fails to anticipate claims 2-4. Claim 6 depends from claim 5, so the above argument regarding claim 5 applies equally to claim 6, and Palalau also fails to anticipate claim 6. Withdrawal of this rejection is respectfully requested.

III. New Claims 7-10

New claim 7 recites "a selection switch for selecting a device type to be controlled," which is clearly not taught or suggested by Palalau. In addition, claim 8, which depends on claim 7, further recites that "the selection switch is a rotary control with a plurality of selection settings," which is also not taught or suggested by Palalau. Claims 9 and 10, which depend on claims 7 and 8, respectively, recite that the "display is an alphanumeric display for displaying in text form the selected type of device to be controlled," which is also not taught or suggested by Palalau.

IV. Conclusion

In view of the above amendments and remarks, it is respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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